



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/553,194

10/13/2005

Werner Ehrmann

2923-733

1264

6449

7590

08/13/2009

ROTHWELL, FIGG, ERNST & MANBECK, P.C.  
1425 K STREET, N.W.  
SUITE 800  
WASHINGTON, DC 20005

EXAMINER

WATKINS III, WILLIAM P

ART UNIT

PAPER NUMBER

1794

NOTIFICATION DATE

DELIVERY MODE

08/13/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

### **Attachment to Advisory Action**

1. The amendment filed 31 July 2009 will not be entered as new claim 37 contains many limitations such as a printing layer between the laminating layer and the cover layer, as well as a pressure sensitive adhesive layer, both of which are new and require further search and consideration. The arguments regarding claim 37 have not therefore been considered, and the amendment as a whole will not be entered.

2. Applicant has not amended independent method claim 18, but has instead has presented arguments regarding the combination of the references cited against this claim. In general applicant argues the references in a piecemeal fashion and does not consider the rejection as a whole. Applicant argues that Floyd does not teach a battery label and that the layers could not be printed upon, while the reference is not relied upon for these features, but instead for the teaching of cutting a metal layer and sealing the edge to protect it from corrosion. Applicant argues that Barth does not disclose a cut out, but instead sealing a metal edge with a solution forming a sealing strip, which is what the examiner relies upon the reference to teach. Applicant also argues that the base reference Zaborney does not teach a cut out with a sealing strip in it, which the examiner relies upon the secondary references to teach. Applicant argues that the secondary references are not drawn to the battery label art but instead to the window coating film art. The position of the examiner is that all of the references in the rejection deal with the common problem of sealing the edge of a metal layer to protect it from

corrosion and that one of ordinary skill in the art would look to all of them for solutions to this common problem.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Watkins III whose telephone number is 571-272-1503. The examiner works an increased flex time schedule, but can normally be reached Monday through Friday, 11:30 A.M. through 8:00 P.M. Eastern Time. The examiner returns all calls within one business day unless an extended absence is noted on his voice mail greeting.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Sample can be reached on 571-272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WW/ww  
August 11, 2009

/William P. Watkins III/  
Primary Examiner, Art Unit 1794